IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 5467 of 2004

Between:

Style Lamp Industries, Komarada Road, Rayalam, Bhimavaram Mandal,
W.G.District rep., by its Executive V. Satyanarayana Murthy,
S/o. V.V.Krishna Rao.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep., by its Secretary, Industries &

Commerce (SSI) Department, Hyderabad.
2 The Commissioner of Industries, Government of A.P., Hyderabad.
3 Rajendranagar Municipality rep., by its Commissioner, Rajendranagar,

R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus; [i] declaring the action of the respondent No.3 in restricting the tenders to Bajaj Company in Notice ROC.No.E/21/MCR/2003, dated 15.3.2004 and excluding the Small Scale Industries as arbitrary, illegal and contrary to the G.O.Ms.No.48, dated 20.2.1999 issued by the respondents No.1 & 2 and consequently direct the respondent authorities to permit the Petitioners to participate in the tenders vide tender notice ROC.No.E/21/MCR/2003 dated 15.3.2004 of the respondent No.3 and consider for supply of item therein in the interest of justice.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for Respondent Nos.1 and 2: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.3: Sri A. Thimma Reddy, Standing Counsel for Rajendranagar Municipality

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5467 OF 2004

ORDER:

The third respondent issued a short tender notice dated 15.03.2004 inviting tenders from reputed companies like Crompton, Philips and Bajaj for supply of electrical appliances and fittings. The petitioner, which is a small scale industry, manufacturing some of the electrical fittings, approached this Court placing reliance on the orders passed in G.O.Ms.No.48 dated 20.02.1999, whereby and whereunder the Government directed all the public sector undertakings and Government offices to purchase as many as seventeen items from registered SSI units. The petitioner prayed for a direction to the respondents to permit the petitioner to participate in the tender.

This Court while admitting the writ petition directed the third respondent - Municipality to issue tender forms to the petitioner. The matter is again listed today for further orders. The learned Standing Counsel for third respondent – Municipality has placed before this Court a notice dated 29.03.2004 published in newspaper, whereby and whereunder, short tender notice dated 15.03.2004 was cancelled and the same was informed to the general public. The question raised herein is left open to be decided in appropriate case. In that view of the matter, the cause of action does not survive and the writ petition is accordingly dismissed.

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(V.V.S.RAO,J)

05.11.2004.

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To

1. The Secretary, Industries & Commerce (SSI) Department, State of Andhra Pradesh, Hyderabad.

2. The Commissioner of Industries, Government of Andhra Pradesh, Hyderabad.

3. 2 CCs to the G.P. for Industries and Commerce, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies.